

From: Clay Bullwinkel
To: Microsoft ATR
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Subject: Microsoft Settlement

United States Department of Justice

Dear Madams and Sirs:

Thank you for conducting and managing this call for input. No doubt you receive thousands of emails and letters with little or no new input, and in some cases crank content. Yet you must sift through all of them. I myself have encouraged and led on-line debate in the information technology industry on the Microsoft case. I hope here to offer you a few information points which probably will be unique and useful. I have an M.B.A. degree from Stanford and have held executive positions in the information technology industry with Hewlett Packard, 3Com, and now my own company E.W. Bridge LLC.

In a nutshell, Microsoft has broken the law with their overzealous channel control tactics. You folks can forcefully and effectively can deal with that. It should stop there. To have considered anything further in their activities as subject to legal scrutiny has been the concoction of their competitors, and, most frighteningly, outsiders in government, media and others who wish to seize influence and control in the PC industry.

As you should be already aware, the overwhelming majority of software engineers favor a quick end to the Microsoft case with minimal intrusion of the federal government into Microsoft's affairs. If you look at any on line forum for the general programmer community, e.g. not specifically Apple or Palm people, you will find this to be the case. They especially do not want government dictating what should or should not be in a software product. Generally speaking, these people are the most knowledgeable about their industry. Their voice has to carry weight. They understand the benefits and threats from Microsoft better than any general businessman or politician. They, as well as myself, understand that the failure of Microsoft's competitors - Sun, Netscape (AOL), IBM, Apple, Palm, Borland, Novell, WordPerfect, Corel, etc. etc.- has been primarily due to mismanagement in these companies, and in some cases Microsoft's economies of scale, and not to illegal behavior by Microsoft. All of these companies have been plagued by lazy management lacking care and diligence for their future. Most executives, such as myself, understand that ruthless distribution tactics sometimes exhibited by Microsoft are part of every Business 101 course and practiced by all corporations in all industries, including by the companies named above. Please remember to monitor and utilize on-line forums for software engineers as a good source of input.

Regarding the "outsiders" mentioned above, I could hardly be more alarmed.

If Mr. Gore had won the election, his DOJ would have continued to try to take control of Microsoft and allocate its pieces to cronies. The media largely avoided mentioning that the written remedy by Mr. Jackson included installation of on-site overseers (commissars) within the pieces of Microsoft, without restriction on their authority. Mr. Gates would have been prevented from founding a new company with employees from Microsoft. This was a necessary measure because most of Microsoft's software engineers would seek to work for him. I have done business for 18 years in the formerly communist countries of Europe and the old U.S.S.R., and I am well read on their history. It does not take a rocket scientist to see that those in and outside the Department of Justice who were driving the excessive prosecution in the Microsoft case had Bolshevik intent, with courts replacing guns. I would bet that if you looked into their backgrounds, for example, Mr. Klein, you would find parents or grandparents with Soviet sympathies. In terms of threat to American society and culture, Al-Qaida is but a drop compared to that kind of bucket of trouble.

In the mid-90's I met a DOJ attorney who questioned me about a company with which I dealt which had fairly obviously set prices with a competitor causing a few billion dollars in overcharges to customers. I said yes, I knew about it, and was even present when one of their key executives bragged about it. He told me a few days later to tell me to forget about what he asked me and not to repeat what I had said. I asked him why. He said that his bosses told him that the company was not to be a target, that it had untouchable status. So these are the people and methods which brought us the Microsoft case. I wish your Mr. Charles James well in his current "housecleaning" of personnel and procedures. May it last beyond the current administration, and be resistant to political tendencies of whatever party is in the White House.

Sincerely,
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